

targeted to the user. For example, at gasoline pumps a user may swipe his credit card and the pump will automatically be able to identify the user. Programming content can then be delivered to the user at the pump. Alternatively, a user's ATM card will be able to identify the user and content can then be delivered to the ATM. Further, since the user must input this information anyways to complete a transaction, the targeted programming can be provided to the user without the user having to input any additional information. In comparison, Gershman fails to describe or suggest a system in which targeted programming content is delivered to a user identified by an account number used in a transaction as claimed.

In the final office action, the Examiner has asserted that Gershman teaches using an account number to identify a user for billing purposes at column 38, line 63 to column 39 line 12, and using a smartcard for identifying a purchaser using a smartcard at column 44, lines 14-37. The sections identified by the Examiner involve the typical use of account numbers for identifying users for billing purposes. For example, a credit card is commonly utilized at a gas pump to identify the user for billing purposes. However, systems and methods for using these available identifiers to target programming to a user was unknown prior to the present application. By utilizing account numbers that are already utilized to identify users outside the home, the claimed systems and methods allow programming providers to easily deliver targeted content to users without having the users enter any additional information.

Since Gershman fails to disclose or suggest the claimed combinations, the rejection of claims 1-8, 12-70 and 72-79, should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Attorney Docket No. **559442004300**.

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Respectfully submitted,

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